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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

JUAN SANCHEZ,

Plaintiff,

V.

KILOLO KIJAKAZI¹,
Acting Commissioner of Social Security,
Defendant.

No. 1:20-cv-00533-SKO

STIPULATION AND ORDER TO EXTEND BRIEFING SCHEDULE

(Doc. 20)

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 The parties stipulate through counsel that Defendant, the Acting Commissioner of Social Security
2 (the “Commissioner”), shall have an extension of time to file her opposition to Plaintiff’s opening brief
3 in this case. In support of this request, the Commissioner respectfully states as follows:

4 1. Primary responsibility for handling this case has been delegated to the Office of the
5 Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).

6 2. Defendant’s response to Plaintiff’s opening brief is currently due August 16, 2021.
7 Defendant has not previously requested an extension of time for this deadline.

8 3. The Region IX Office currently handles all district and circuit court litigation involving
9 the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and Guam.

10 4. The Region IX Office employs 47 staff attorneys, of whom 27 handle civil litigation
11 involving the Social Security program in the eight assigned jurisdictions, at least part-time. The Region
12 IX Office currently has a significant increase in merit briefs due beyond historical averages.

13 5. In addition to this “program” litigation, the 27 staff attorneys in the Region IX Office
14 maintain other workload responsibilities, with most of them dedicating 40 percent or more of their time
15 to these workloads. The Region IX Office provides a full range of legal services as counsel for the Social
16 Security Administration, in a region that covers four states (including the most populous state in the
17 nation) and three territories. These other workloads include employment litigation; civil rights
18 investigations; bankruptcy matters; and requests for legal advice on wide-ranging topics, including
19 employee conduct and performance, reasonable accommodation, hostile work environment, ethics,
20 Privacy Act and disclosure, torts, property, and contracts.

21 6. The undersigned attorney has eight briefs due in district court cases over the next month,
22 as well as two pending Ninth Circuit appeals and two bankruptcy discharge matters.

23 7. Due to the volume of the overall workload within the Region IX Office, neither the
24 undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete
25 briefing by the current due date of August 16, 2021. Therefore, Defendant seeks an extension of 30 days,
26 until September 15, 2021, to respond to Plaintiff’s opening brief.

27 8. This request is made in good faith and is not intended to delay the proceedings in this
28 matter.

1 WHEREFORE, Defendant requests until September 15, 2021, to file her opposition to Plaintiff's
2 opening brief.

3 Respectfully submitted,

4
5 Date: August 9, 2021

PEÑA & BROMBERG, PLC

6 By: /s/ Caspar Chan for Jonathan Pena*

7 JONATHAN PENA

8 *Authorized by email on August 9, 2021

Attorneys for Plaintiff

9 Date: August 9, 2021

10 PHILIP A. TALBERT

Acting United States Attorney

Eastern District of California

11 By: /s/ Caspar Chan

12 CASPAR CHAN

13 Special Assistant United States Attorney

Attorneys for Defendant

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17 ORDER

18 Pursuant to the Parties' above stipulation (Doc. 20), and for good cause shown,

19 IT IS ORDERED that Defendant shall have an extension, up to and including September 15, 2021,
20 to respond to Plaintiff's opening brief. All other dates in the Scheduling Order (Doc. 16) shall be extended
21 accordingly.

22
23 IT IS SO ORDERED.

24 Dated: August 9, 2021

/s/ Sheila K. Oberto

25 UNITED STATES MAGISTRATE JUDGE
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